

VIA ELECTRONIC FILING AUGUST 11, 2009

RESPONSE TO NOTIFICATION OF NON- COMPLIANT APPEAL BRIEF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	PALO-004
	Confirmation No.	8822
	First Named Inventor	YUN, ANTHONY JOONKYOO
	Application Number	10/748,976
	Filing Date	December 29, 2003
	Group Art Unit	3762
	Examiner Name	Kahelin, Michael William
	Title:	"TREATMENT OF FEMALE FERTILITY CONDITIONS THROUGH MODULATION OF THE AUTONOMIC NERVOUS SYSTEM"

Sir:

This communication is responsive to the Notification of Non-Compliant Appeal Brief dated July 22, 2009, for which a one-month period for response was given making this reply due by August 22, 2009. Accordingly, this response is timely filed.

As indicated in the Notification of Non-Compliant Appeal Brief, only the section found to be non-compliant, i.e., the section entitled "Status of Claims", has been amended, and is herewith submitted as part of a replacement for page 3 of the Appeal Brief filed on June 24, 2009.

REAL PARTY IN INTEREST

The inventors named on this patent application assigned their entire rights to the invention to Palo Alto Investors.

RELATED APPEALS AND INTERFERENCES

There are currently no other appeals or interferences known to Appellants, the undersigned Appellants' representative, or the assignee to whom the inventors assigned their rights in the instant case, which would directly affect or be directly affected by, or have a bearing on the Board's decision in the instant appeal.

STATUS OF CLAIMS

The present application was filed on December 29, 2003 with Claims 1-38. During the course of prosecution, Claims 39-46 were added, Claims 15-16 and 31-38 were canceled and Claims 12-14 and 21-30 were withdrawn. Accordingly, Claims 1-11, 17-20, and 39-46 are pending and under examination in the present application, all of which are appealed herein.

STATUS OF AMENDMENTS

No amendments to the Claims were filed subsequent to issuance of the Final Rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention is drawn to a method of treating a female subject known to suffer from a fertility condition. The method includes modulating at least a portion of the autonomic nervous system of the female subject to increase the sympathetic activity/parasympathetic activity ratio so as to treat the female subject for the fertility condition. The method further includes determining the ratio of sympathetic activity to parasympathetic activity prior to the modulation and performing the modulation of a portion of the autonomic nervous system based on the determined ratio of sympathetic activity to parasympathetic activity.

Below is a description of each independent and separately argued independent

RELIEF REQUESTED

The Appellants respectfully request that the rejections of Claims 1-11, 17-20, and 39-42 under 35 U.S.C. §103(a) be reversed, and that the application be remanded to the Examiner with instructions to issue a Notice of Allowance.

Respectfully submitted,

Date: August 11, 2009

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